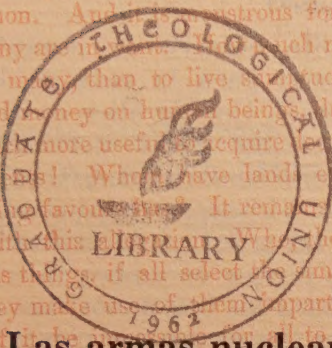


JUN 10 1985



God has given to us, I have well the liberty of use, but only so far as necessary; and He has determined that the use should be common. And it is monstrous for one to live in luxury, while many are in want. How much more glorious is it to do good to many, than to live sumptuously! How much wiser to spend money on human beings, than on jewels and gold! How much more useful to acquire numerous friends, than lifeless ornaments! When have lands ever benefited so much as conferring favour on the poor. It remains for us, therefore, to do away with this abominable luxury. When will have the more sumptuous things, if all select the simpler? Men, I would say, if they make use of them impartially and indifferently. But if it be used for all to exercise self-restraint, yet, with the use of the most ready produced, bidding a long farewell to these ornaments.

**Las armas nucleares:  
Desafío a una nueva ética**

*Luis N. Rivera Pagán*

In fine, they must accordingly utterly cast off ornaments as girls' gewgaws, rejecting adornment itself entirely. For they ought to be adorned within, and show the inner woman beautiful. For in the soul beauty and deformity

**Sanctuary:  
Historical, Legal, and Biblical Considerations**

*Justo L. González*

only the beautiful is good. And it is laid down as a dogma, that only the beautiful is good. Beauty does appear through the beautiful body, and blossoms out in the flesh, exhibiting the amiable comeliness of self-control, whenever the character like a beam of light gleams in the form. For the beauty of each plant and animal consists in its individual excellence. And the excellence of man is righteousness, and temperance, and manliness, and godliness. The beautiful man is, then, he who is just, temperate, and in a word, good, not he who is rich. But now even the soldiers wish to be decked with gold, not having read that poetical saying:

"With childish folly to the war he came,  
Laden with store of gold."<sup>1</sup>

But the love of ornament, which is far from caring for virtue, but claims the body for itself, when the love of the beautiful has changed to empty show, is to be utterly expelled.

<sup>1</sup> *Iliad*, ii. 872.

**Reflexiones  
teológicas  
desde  
el  
margen  
hispano**

*Año 5, No. 2, Verano de 1985  
Year 5, No. 2, Summer, 1985*



## PRESENTACION

El presente número de nuestra revista trata sobre dos temas cruciales para la vida de la iglesia y del país en el momento actual. Uno de ellos es el de las armas termonucleares y su increíble poder destructor. El otro es el de los refugiados centroamericanos, y la posición de las iglesias que han decidido ofrecerles santuario, aun cuando el gobierno declare que tal práctica contraviene la ley. Ambos temas son importantes, porque en ambos se trata de cuestiones de vida o muerte. Y para los cristianos, son especialmente importantes, porque ambos tienen que ver con la cuestión fundamental de la relación entre nuestra lealtad última al único Dios creador y nuestra otra lealtad al país, sus leyes y sus políticas.

Luego, al ofrecer el presente número al público, esperamos que contribuya al diálogo tan necesario sobre cuestiones tan importantes.

Nuestros autores son conocidos a los lectores de **Apuntes**. El Dr. Luis N. Rivera Pagán es profesor de Humanidades del Puerto Rico Junior College. El presente artículo fue una conferencia dictada para la Universidad del Turabo, en marzo de 1985. El Dr. Justo L. González es editor de nuestra revista, para la cual ha escrito otros artículos.

**Apuntes** (0279-9790) is published quarterly by the Mexican American Program, Perkins School of Theology, Southern Methodist University, Dallas, Texas, 75275. Second class postage paid at Dallas, Texas 75260 and additional mailing offices.

Postmaster, send address changes to: **Apuntes**, Mexican American Program, Perkins School of Theology, Southern Methodist University, Dallas, Texas 75275.

Manuscripts are to be sent to our editorial offices: **Apuntes**, Justo L. González, Editor, 336 S. Columbia Dr., Decatur, GA 30030.

Mailing and printing of **Apuntes** are provided by the United Methodist Publishing House.

## Las armas nucleares: Desafío a una nueva ética

*Luis N. Rivera Pagán*

**E**l 16 de julio de 1945, en el desierto de Alamogordo, se hizo historia. La potencia del arma nuclear explotada experimentalmente sorprendió incluso a sus creadores. Ante el sobrecogedor espectáculo del hongo nuclear, recordó Robert Oppenheimer las palabras del Bhagavad-Gita: "Yo soy la muerte a la que nada escapa." Por extraña lógica teologizante, el nombre clave de la bomba era "Trinidad".

El Proyecto Manhattan había tenido éxito. Esa noche habría celebración en el laboratorio de Los Alamos. Científicos y militares festejaron con cerveza el nacimiento de una nueva arma: la bomba atómica.

El 6 de agosto de 1945, a las 8:15 a.m., un artefacto nuclear, producto de la fisión de menos de un Kilogramo de uranio 235, devastó Hiroshima. Tres días más tarde, a las 11:02 a.m., otra arma atómica, elaborada a base de plutonio 239, desoló a Nagasaki.

Para fines de noviembre ya habían perecido, gracias a esas dos bombas, más de 200,000 personas, con varios centenares de miles de heridos. Su sufrimiento puede imaginarse si notamos que en Hiroshima el 90% de los médicos fueron muertos o heridos, así como el 93% de las enfermeras y el 80% de los farmacéuticos. La desolación se enseñoreó de ambas ciudades.

Oppenheimer resumió bien el significado de lo acontecido: "Los científicos han conocido el pecado, y no pueden olvidar ese conocimiento." Se daba perfecta cuenta de que no sólo acababa de terminar una guerra. Más importante aún, se iniciaba una época nueva.

Por primera vez en la historia, la humanidad lograba el



poder de la destrucción universal. La combinación de la inteligencia abstracta y teórica, que había descubierto la equivalencia entre materia y energía y el inmenso dinamismo oculto en la matriz del substrato universal; y de la pericia tecnológica, capaz de producir una reacción atómica en cadena y controlarla, había creado un arma sin precedente. Lo ocurrido posteriormente es un caso clásico de fetichismo: el creador humano se postra frente a su criatura.

La bomba nuclear presentó un grave dilema ético a los científicos incluso antes de su producción. Albert Einstein era hombre de paz, pacífico y pacifista. En 1939, había escrito una bella semblanza de Gandhi, afirmando del Mahatma: "Despreció el uso de la violencia; hombre de sabiduría y humildad ... confrontó la brutalidad europea con la dignidad de un simple ser humano ... Las generaciones venideras difícilmente creerán que un hombre así existió..."

Pero Einstein también era judío, anti-fascista y defensor de los derechos humanos. En 1939, el nazismo generaba una terrible violencia al interior de Alemania que amenazaba con desbordarse y arropar al mundo. Instigado por otros científicos, escribió en agosto de 1939 al Presidente Roosevelt instándole a propiciar el estudio de la posible creación de armas atómicas. El hombre de paz, pacífico y pacifista, agonizó mental y moralmente entre su admiración a Gandhi y su repulsión a Hitler. El recuerdo de esa carta le aquejonearía la conciencia hasta la muerte.

El gobierno norteamericano, secretamente, estableció el Proyecto Manhattan, la colaboración histórica más extraordinaria entre científicos, tecnólogos, militares y políticos. Acuciados por el miedo a una posible bomba atómica alemana y con la visión a corto plazo de la lucha anti-fascista, científicos y tecnólogos crearon un arma que sólo logró operacionalidad varias semanas después de la derrota nazi.

No todos, sin embargo, se cegaron. Niels Bohr, el insigne científico danés cuya obra posibilitó la fisión nuclear, envió, en 1944, una carta a Roosevelt y a Churchill que decía:

Un arma de potencia inigualada se está construyendo, la cual cambiará completamente las condiciones futuras de la guerra ... A menos que pueda lograrse un acuerdo sobre el control de la utilización de los nuevos materiales activos, cualquier ventaja temporera, sin importar su magnitud, sería superada por la amenaza perpetua a la humanidad.



Era imposible hablar con mayor claridad y autoridad. Bohr consiguió entrevistarse con ambos jefes de gobierno. Roosevelt fue cordial; Churchill, preocupado más por el balance de poder frente a la Unión Soviética después de la guerra, fue frío y descortés. Su sagacidad zorresca prevaleció sobre el enfermo Roosevelt.

El 25 de julio de 1945, Leo Szilard, húngaro refugiado y eminente físico nuclear, envió al presidente Truman una misiva, con la firma de setenta colegas, instándole a que se explicara a las autoridades japonesas la potencia de la bomba atómica, se les diera una demostración de ella, y se negociara la rendición sin tener que utilizar el arma. La burocracia gubernamental se encargó de que Truman recibiera la carta ... después del 6 de agosto.

Durante cuatro décadas se han discutido los pro y los contra del bombardeo de Hiroshima y Nagasaki. Sus defensores alegan que la proyectada invasión de las islas japonesas hubiese sido muy sangrienta y cruenta. Es posible. También alegan que para 1945, también la Unión Soviética progresaba en el desarrollo de la bomba atómica. También es posible.

Lo cual no elimina otras verdades. Hay un momento en que la motivación anti-nazi perdió primacía y se impuso la fascinación por el poder tecnológico. En el siglo 17, Descartes había afirmado que la ciencia podría "convertirnos como en dueños y poseedores de la naturaleza," y Bacon había escrito: "El conocimiento es poder." La ciencia se convierte, por medio de la tecnología, en poder. Y pocas cosas son tan fascinantes y seductoras como el poder. Einstein había afirmado su famosa fórmula con respecto a la relación entre la energía y la masa. En su mente esto era una abstracción teórica. La hermandad moderna entre la ciencia y la tecnología llevaría a su implementación práctica, a la liberación de la extraordinaria energía material. La fórmula de Einstein prometía inmenso, irresistible, poder. La seducción ante el extraordinario poder material fue factor decisivo en la conclusión del arma atómica y en el bombardeo de Hiroshima y Nagasaki.

Este problema se complica en el Proyecto Manhattan. El control lo tenían los políticos y militares, no los científicos. Lo que presagiaba el Proyecto no era sólo la victoria en la guerra contra Alemania y Japón. La energía nuclear prometía el poder militar y político decisivo para controlar el orden internacional de la post-guerra. La posibilidad de decidir sobre

la vida y la muerte de ciudades, pueblos y naciones sentaría la base para el monopolio del poder político mundial. El arma nuclear parecía ser fuente del poder absoluto. El poder sobre la vida y la muerte universales.

Einstein expresaría, en 1955, su profunda tristeza ante esta situación:

El destino del hombre de ciencia es trágico. Alentado por la inspiración hacia la claridad y la independencia interior, ha forjado con esfuerzo casi sobrehumano las armas que han servido para su servidumbre social y la anulación de su personalidad.

Se ha visto obligado a dejarse poner un casco de soldado por el poder político.

¿Debemos dar por terminados los tiempos en que la libertad individual del científico y la independencia de sus investigaciones podían iluminar y enriquecer la vida de los hombres?

La ciega investigación de la verdad, ¿le ha hecho olvidar su responsabilidad humana y su dignidad?

La ironía de la historia le ha jugado una mala pasada a ese consorcio del poder. El inmenso crecimiento cuantitativo de las armas nucleares, y su excepcional mejoramiento cualitativo, han transformado la fascinación en terror.

Winston Churchill expresó muy bien la situación del mundo moderno, en un discurso pronunciado en 1955, en la Cámara de los Lores, defendiendo la producción británica de armas nucleares, al decir: "La seguridad será hija del terror, y la supervivencia hermana gemela de la aniquilación." Sólo Churchill podía decir tanto con tan pocas y elegantísimas palabras. Es una frase iluminadora, en su terrible y pavoroso profetismo.

Para los ideólogos del armamentismo nuclear, la seguridad procede del terror ante las armas nucleares. Paradójicamente, éstas parecen proveer seguridad y paz mediante su amenazante capacidad de destrucción total. La humanidad sobrevive, según este razonamiento, por el terror al aniquilamiento, no como febril retórica apocalíptica, sino como alternativa tecnológica viable.

Los estadounidenses, con su pasión por las siglas, han designado genialmente esta situación como MAD —"mutual assured destruction." La integridad física universal se preser-



va, supuestamente, gracias al carácter demencial del poder nuclear.

Este macabro intento de racionalizar las armas nucleares ha sido incapaz de tranquilizar a nadie. Es incomodísimo vivir a la sombra del terror a las armas nucleares. Los dos grandes contendientes se han enfrascado en un esfuerzo impresionante por lograr la seguridad mediante innovaciones tecnológicas. La nueva tecnología nuclear refleja el deseo de escapar al cautiverio del terror.

La discusión acerca de la bomba de hidrógeno es un buen ejemplo. En octubre de 1949, el Comité Asesor de la Comisión de Energía Atómica de los Estados Unidos, compuesto por eminentes científicos y presidido por Oppenheimer, recomendó unánimemente que no se construyese la bomba termonuclear. Truman, reaccionando al fin del monopolio norteamericano sobre el poder nuclear, ordenó su elaboración. Un año después de la explosión de la primera bomba termonuclear estadounidense, detonaron los soviéticos la suya. La supuesta fuente de seguridad y tranquilidad se convertía en nueva promotora de inseguridad y terror.

Se podría decir lo mismo de todas las innovaciones en tecnología nuclear: ICBM, MIRV, MARV, GLCM, ALCM. Generalmente son los Estados Unidos, con una base industrial y tecnológica superior, los que innovan tecnológicamente, para luego ver sus criaturas pavorosas y amenazantes en manos soviéticas.

El balance del terror ha demostrado la primacía del terror. Hemos logrado sobrevivir, pero sólo al costo de acercarnos demasiado al abismo. La dialéctica churchelliana entre supervivencia y aniquilación se ha resuelto hasta ahora favorablemente. No hay, sin embargo, motivo de júbilo. Un leve descuido, un desperfecto mecánico, un malentendido, una ráfaga fugaz de delirio, locura o senilidad, sería suficiente para acabar con el terror. Y con la vida.

George F. Kennan ha dicho que "la bomba nuclear es el arma más inútil jamás inventada. No puede emplearse con propósito racional alguno." Ambas superpotencias nucleares se sienten hoy más inseguras y vulnerables. Su poder excepcional se transforma en hado fatídico y espeluznante. Tras llenar el planeta de artefactos de imprecendente destructividad, nos vemos ahora en la víspera de una carrera armamentista en el espacio ultra-terrestre.

## Resumo telegráficamente nuestra situación mundial real:

1. Las armas nucleares amenazan la existencia del ser humano. No se trata sólo del bienestar de una nación o pueblo. El arsenal nuclear —más de 50,000 ojivas, con una potencia aproximada de 20,000,000,000 de toneladas de TNT, equivalente a 1,600,000 veces la bomba que asoló a Hiroshima— puede aniquilar naciones enteras, la civilización moderna, y toda la humanidad. Se podría, incluso, hacer inhabitable nuestro planeta, dañando su ecosistema.

Esta afirmación no es fanatismo escatológico. Es el resultado de estudios científicos serios, incluyendo simulaciones computadorizadas de guerras nucleares.

2. Los sistemas de lanzamiento de armas nucleares amenazan la democracia y la libertad. Su velocidad excepcional acorta el ataque nuclear a media hora o menos. En ese tiempo se tendrá que dilucidar: a) si el ataque es auténtico; b) su magnitud; c) el tipo de armamento(s) utilizado(s); d) sus blancos; y, e) la respuesta apropiada.

Esto imposibilitaría la deliberación colectiva y racional, esencial en la democracia. ¿Puede un jefe de estado reflexionar adecuadamente en esta urgencia extrema y frente a la responsabilidad de la muerte (quizás por error) de miles de millones de seres humanos?

La alternativa que está en vías de implementarse consiste en abdicar la decisión a una computadora, la cual, libre de nuestra pereza analítica, de nuestras indecisiones, sentimientos, valores éticos y preocupaciones humanistas, decidirá el destino de la humanidad.

Estamos a punto de perder la libertad de decidir algo muy importante: la paz o la guerra, la vida o la muerte. Parece ciencia ficción, pero es la tendencia prevaleciente. La tecnologización total de la muerte, con los seres humanos como espectadores ... y víctimas.

3. En un mundo de recursos escasos y problemas crónicos de desarrollo social y económico, se aumentan los gastos militares. Globalmente, estos superan la cifra astronómica de \$700,000,000,000.

En los países industrializados se reducen proporcionalmente los fondos destinados a programas domésticos de bienestar social y a proyectos de ayuda a las naciones más pobres. Se



crea, además, una economía de guerra, la cual históricamente ha sido motivo de conflictos. En los países pobres se forja la caricatura trágica del mimetismo armamentista y se reducen proporcionalmente los medios para aliviar la miseria, el hambre, el analfabetismo y las enfermedades.

Las armas nucleares matan mucha gente de manera indirecta, al apropiarse de recursos fiscales, tecnológicos y humanos que de otro modo serían útiles para el socorro de la vida marginada y empobrecida.

Todo lo anteriormente expresado es una descripción sobria, sin melodrama, de la tragedia en que nos ha sumido el consorcio del poder entre políticos, militares, científicos y tecnólogos.

Poco antes de morir, Einstein escribió lo siguiente:

Nuestro mundo está amenazado por una crisis cuya amplitud parecen no comprender los que tienen el poder para tomar las grandes decisiones que pueden acarrear el bien o el mal.

La potencia desencadenada del átomo lo ha cambiado todo, excepto nuestros modos de pensar, lo que nos empuja a una catástrofe sin precedentes.

Alejar esta amenaza es el problema más urgente de nuestra época.

Es esencial introducir un nuevo modo de pensar si queremos que sobreviva la humanidad.

¿A qué se refiere este "nuevo modo de pensar" necesario para la salvación de la humanidad? Apuntemos brevemente algunos principios:

1. Se requiere un nuevo espíritu crítico ante la tecnología científica. No todo lo posible científica o tecnológicamente es lícito éticamente. La ética no puede regirse por los dictados del poder, sea este político, militar o científico. Ante la energía nuclear, la fascinación por las innovaciones tecnológicas nos ha trastocado en patéticos aprendices a brujos, dominados por las incontables consecuencias de nuestros actos. Es necesario desarrollar una visión más justa, correcta y humilde de nuestra relación con las fuerzas naturales. La **hybris** de la tecnología moderna nos ha colocado en la triste disyuntiva en que nos encontramos.

2. Los científicos deben adoptar un código ético similar al juramento de Hipócrates. La militarización de la ciencia y la tecnología las ha impartido una peligrosidad inédita. La humillación de Oppenheimer, desacreditado por la Comisión de Energía Atómica, justo un día antes de cesar su contrato con ella, ilustra la tragedia del científico atrapado entre la militarización de su labor intelectual y sus exigencias morales. Las memorias de Andrei Sakharov muestran a un constructor de armas cuya sensibilidad ética se agudiza y profundiza, hasta convertirlo en mártir y símbolo del científico comprometido con la afirmación de la vida.

Se requiere, repito, la formulación de un código hipocrático que restaure a la ciencia su horizonte inequívocamente humanista.

3. Abundan las estrategias para la guerra. Necesitamos una para la paz.

Las negociaciones tradicionales sobre control de armamentos, de la época de la llamada distensión, del 1963 al 1979, fracasaron en lograr la reducción del arsenal nuclear estratégico. A lo más que se llegó fue a vislumbrar su crecimiento regulado. Los negociadores han vuelto a Ginebra. La reapertura de las conversaciones en la ciudad de Calvino ha servido ya para algo ... para justificar la aprobación congressional de 21 nuevos misiles MX.

Hasta ahora se ha sido audaz en la producción de armamentos. Se requiere audacia en su reducción. La sugerencia de Jonathan Schell, de que el conocimiento de la fisión nuclear podría ser el factor disuador en un mundo desnuclearizado, a pesar del sarcasmo de los escépticos, me parece digna de consideración.

4. La guerra se ha tornado obsoleta. Clausewitz decía que la guerra es la continuación de la política estatal por otros medios. Pero el mundo de Clausewitz fue el de las contiendas napoleónicas. Sangrientas, pero limitadas a la derrota y victoria de ejércitos. Hoy la guerra, incluso las locales y regionales, contiene la potencialidad del Armagedón.

Debemos desarrollar un concepto nuevo e inédito, colectivo e internacional, de la seguridad, que permita a ésta descansar no sobre la potencia pavorosa del aniquilamiento, sino sobre mecanismos de dilucidar y resolver políticamente los conflictos.



5. Es necesario forjar una nueva espiritualidad de reconciliación y paz. La carrera armamentista nuclear se alimenta de la propaganda del antagonismo. La actitud que prevalece es la de adversidad. "Nosotros contra ellos." Donde "ellos" se refiere al "enemigo", perverso, encarnación de toda villanía. La deshumanización del otro, su demonologización, es evidente en la manera como norteamericanos se refieren a soviéticos y viceversa. En la era nuclear, "nosotros contra ellos" equivale a la destrucción mutua. La nueva espiritualidad surge del aprender a pensar y a decir "nosotros y ellos", en la solidaridad de la salvación común.

Tenemos que aprender a acentuar nuestra humanidad recíproca, nuestra herencia compartida, nuestro destino solidario. Esto no es sentimentalismo lírico. Real y profundamente debemos descubrir que lo que nos une como seres humanos es más significativo e importante que lo que nos separa política, económica e ideológicamente.

Sólo así podremos aspirar al cumplimiento de la profecía bíblica de la paz: "Y martillarán sus espadas para azadones, y sus lanzas para hoces; no alzará espada nación contra nación, ni se ensayará más para la guerra" (Miqueas 4:4).

## Summary

*The existence and proliferation of nuclear weapons poses problems for humanity that are unprecedented. For this reason, we must learn new ways of thinking and acting if we are to survive. This includes a more critical attitude before scientific technology, based on a new ethics for scientists. This is to result in a strategy for peace to which at least as much effort is devoted as to the strategy for war. And all of this must be based on a spirituality the shows the solidarity of humankind.*

# Sanctuary: Historical, Legal, and Biblical Considerations

*Justo L. González*

**V**ery few issues so threaten to divide the church today as does the sanctuary movement. And very few movements so promise to renew it. With the recent arrests and indictments, and the upcoming trials, of sanctuary workers, it is unlikely that many denominations or even local congregations will be able to evade the issue much longer. Therefore, it is important that all understand the nature of the movement, its historical and legal background, and its theological understanding both of itself and of the nature and mission of the church.

## Biblical and Historical Background

In the Bible, there are both concrete rules regarding places of asylum or sanctuary, and more general injunctions regarding aliens and refugees. As part of the historical background for the sanctuary movement, let us look first at the rules regarding places of asylum. The more general injunctions regarding aliens and refugees will be discussed later on, when we come to theological reflections on the movement itself.

In Exodus 21:13-14, a distinction is made between voluntary and involuntary homicide, and God declares that those guilty of the latter will have places where they can flee for safety from the blood-vengeance of the relatives of the deceased. Later on, in other books of the Old Testament, there is further legislation regarding such "cities of refuge": Numbers 35:9-34, Deuteronomy 4:41-43, 19:1-13, Joshua 20:1-9. The places of refuge (which also include holy places) are not to be used to harbor criminals. These, if they refuse to leave the holy place may even be killed in the sanctuary itself (I Kings 2:28-31). The common element when all this legislation is brought together is that, in order to prevent the unjust application of



"justice," there shall be places to which the accused can flee until their case is properly judged.

It may be argued that these laws were enacted in order to counteract the barbarism involved in the practice of blood-vengeance, and that, once such barbarism has been overcome, such places of refuge are no longer necessary. That is indeed the case, and in modern legal systems we do have a number of elements that perform a function similar to that performed by the ancient cities of refuge: presumption of innocence until proven guilty, the right to legal counsel, trial by a jury of one's peers, the right of appeal, etc. When it comes to Central American refugees, however, the problem is precisely that administration policy is not to grant these refugees any of these rights—a matter to which we shall return later. That being the case, it is the obligation of those concerned over the proper administration of justice to see that such rights are not abridged. And that is one of the purposes of the sanctuary movement.

In the early church, during the time of persecution, it was frequent for Christians to harbor and hide each other from those who sought them. In the middle of the second century, for instance, Bishop Polycarp of Smyrna was repeatedly hidden by Christians from the imperial authorities, until he decided that his hour had come, and that it was time for him to quit hiding and to prepare for martyrdom.

After Constantine, when Christianity became the official religion of the Empire, there was significant tension over the issue of sanctuary. It had been customary in ancient Greece that fugitives could take refuge in holy places. This custom had later expanded through most of the Roman Empire. Now that the Empire declared itself Christian, there was considerable sentiment that Christian churches should play the same role. Even while the right of asylum had no legal status, in the first half of the fourth century, there are repeated examples of bishops and monks offering refuge to those unjustly persecuted by imperial authorities. Towards the end of that century, with increasing experience of the vagaries of imperial fiat, Christian leaders began demanding that the right of asylum be granted. In 392, the emperor decreed that churches were places of refuge—except for tax evaders! But soon other exceptions began to be made, and by 398 the law was rescinded altogether. The next year, a council of bishops gathered in Carthage called for the restoration of the right of

asylum. Finally, that right was granted in 411, and was further clarified through a series of laws during the ensuing two centuries.

Such clarifications, and those that took place at other times during the Middle Ages, generally had a twofold purpose. On the one hand, it was necessary to avoid the abuse of the right of asylum. For this reason, most common criminals were eventually excluded: murderers, counterfeiters, highway robbers, etc. On the other hand, it was necessary to protect the innocent from political persecution, or from what we today would call "cruel and unusual punishment." Thus, churches often served as places of refuge for those fallen in political disfavor. And Innocent III, who agreed that common criminals ought not to be granted the right of asylum, insisted that none should be denied that right until it was clear that they would be neither killed nor mutilated.

It was this tradition that made such acts as the murder of Becket before the high altar at Canterbury doubly repugnant to his contemporaries. And it is perhaps the faint memory of it that also arouses our greater indignation at the assassination of Archbishop Oscar Romero in similar circumstances.

After the time of the Reformation, as secular states claimed ever-increasing rights vis-a-vis the church, the right of asylum was progressively eroded. In 1539, Francis I of France, while paying lip-service to the right of asylum, ordered his judges to violate it. Similar actions by other states soon forced the popes to reconsider the entire issue. It was eventually decided that, since modern justice has become more humane, the church could give up this traditional right, provided that justice was observed, and that no violence was done to the churches or ecclesiastics.

Protestantism followed a similar course. In England, Henry VIII openly violated the right of asylum. In other countries, the movement towards a secular state produced similar results. Still, the idea lived on, and overtones of the ancient tradition can be seen in William Penn's call for a new commonwealth, and in the founding of the colony of Providence and Rhode Island—which some therefore called "the sewer of New England."



## The Legal Question

The Immigration and Naturalization Service has attempted to depict sanctuary workers as breaking the law. This is to oversimplify the issues at stake. It may well be that the sanctuary workers are indeed breaking the law; but that is for the courts, and not for the Immigration and Naturalization Service, to decide.

In fact, one of the issues currently being pressed in the courts is the conviction that it is the United States government, and not the sanctuary workers, that is in violation of the law.

While there are many bases for this opinion, it may suffice to cite two of them:

First, the law of the land, as stated in the Refugee Act of 1980 (8 U.S.C. 1101-a-42) provides refugee status for "any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." Note that the law declares that a person does not even have to have been actually persecuted. A well-founded fear of persecution is sufficient to grant a person the status of a refugee.

Secondly, by act of Congress the United States has agreed to be a party to international law which the Immigration and Naturalization Service is now violating. The 1967 United Nations Protocol Relating to Refugees, of which the United States is a signatory (19 U.S. Treaty Series, 6223) provides a direct mandate for the protection of such persons as those now fleeing El Salvador.

For the sake of its own political commitments in Central America and in the United States, the present administration, through the Immigration and Naturalization Service, under the Department of Justice, has followed a policy of ignoring the provisions of these laws, or at least of interpreting and applying them in such a manner that they lose all force. Immigration officials have openly declared that, as a matter of policy, they simply refuse to read applications for political

asylum presented by Salvadorians. And they have consistently interpreted the Refugee Act of 1980, not as the law clearly says, that a well-founded fear of persecution suffices for granting political asylum, but rather, under their own abridgement of the law, in the sense that actual persecution and proof of it is required.

When asked to submit such proof, Salvadorans who have given their names and details of their life-story have found that such names have soon become known to the authorities in El Salvador. Since such authorities admittedly have no control over the death squads, for Salvadorians here to give details of their life in El Salvador may well condemn their families to death. Those who, precisely for that fear ("a well-founded fear of persecution") refuse to give their full names, addresses and life-stories are immediately excluded from the process. Those who give this information, and much more, are also excluded eventually (In 1984, out of 13,373 applications, 328 were granted). The net result of all this is that most Salvadorians are denied due process of law, or even advised of their rights. And at this point let it be remembered that one of the original purposes of the ancient places of refuge was precisely to guarantee due process of law. If the Immigration and Naturalization Service acts in such ways as to thwart the rights of refugees, there may again be a need for places and agencies that, even against the will of the government, seek to guarantee such rights.

There is, however, a deeper issue involved in the debate about sanctuary. This is the theological question of the authority that Christians ought to grant to civil law. There is no question that such law is normally to be obeyed. None but a fool would argue that one should go around running red lights because one is a Christian. Living in society is one of the gifts that God has granted to us; and societies cannot subsist without laws and general respect for them. Therefore, those Christians who object to the sanctuary movement on the basis that it may be breaking the law have a point. Law is good, a gift of God, and ought not to be flaunted.

On the other hand, Christians have always held that human law is to reflect God's law, and that any human law that contradicts divine law ought not to be obeyed. This was the reason why so many martyrs died in the early centuries. The law required that all subjects of the Empire be ready to worship the emperor as God. Christians refused to obey such a



law. And they died for it. At a later date, precisely in order to respond to the challenge of Christianity, it was decreed that all were to have a certificate affirming that they had sacrificed to the gods. Again Christians refused to obey. And again they died. They did not do this because they were not loyal subjects of the Empire. On the contrary, they praised God for all the benefits that the Empire had brought to humanity, and prayed for the emperor and his health. But they also felt that, were they to obey such evil laws, they would be contributing to the sin of the Empire, and that this would in turn bring judgment both upon themselves and upon the Empire. Therefore, in refusing to obey the unjust laws of the Roman Empire, they were in fact acting for the good of that Empire.

After them, there has been a long tradition of Christians who broke the law, not because they despised law in general, but on the contrary, because they so respected it that they did not wish to see it tarnished by unjust laws. As a result of their actions in disagreement to established law, Telemachus was stoned to death, John Knox served as a galley slave, John Calvin had to leave his native France, and Martin Luther King, Jr., went to jail. But also through the actions of these and many other Christians who broke the laws, laws were made more just.

All of this had ample precedent in the ministry and teaching of Jesus. Jesus was a good Jew, and as such he knew that the Law was one of God's greatest gifts to Israel. But he also saw that the Law, good as it is, can be used against its own intention, and then it is debased. This is what is taking place in the following passage from Mark 3:

Again he entered the synagogue, and a man was there who had a withered hand. And they watched him, to see whether he would heal on the sabbath, so that they might accuse him. And he said to the man who had the withered hand: 'Come here.' And he said to them, 'Is it lawful on the sabbath to do good or to do harm, to save life or to kill?' But they were silent. and he looked around at them with anger, grieved at their hardness of heart, and said to the man, 'Stretch out your hand.' He stretched it out, and his hand was restored. The Pharisees went out, and immediately held counsel with the Herodians against him, how to destroy him.

Note what is talking place here. The laws regarding the sabbath were being interpreted in such a way that they would have prevented Jesus from healing the sick man. To use the Law in such a way would be to use it, and the sabbath, for evil rather than for good, for death rather than for life. But the Law is for good and for life. The Law is the good gift of the God of life. And therefore it is flaunted and discredited, not when Jesus heals on the sabbath, but rather when the Pharisees attempt to use it against his healing on the sabbath. Jesus' conflict with the Pharisees—which eventually contributed to his crucifixion—was not because Jesus disregarded the Law, but rather because he held it in such high esteem that He would not allow it to be used for the righteous self-congratulation of the Pharisees.

Or look at Acts 10. There Peter is called by God to go and testify to the pagan centurion Cornelius. Not being Jews, we seldom see the enormity of what this must have meant for Peter. And so we miss the point of his words to Cornelius and his friends in Acts 10:28: "You yourselves know how unlawful it is for a Jew to associate with or to visit anyone of another nation." We often accuse Peter of being slow to understand what the teachings of Jesus were all about. But here he shows himself to have understood exceptionally well. The Law would not allow him to go to Cornelius and his friends. But the God of the Law called him to do precisely that, and therefore he did it.

To do good rather than harm, and to give life rather than kill. This is the true meaning of the Law as Jesus explains it to the Pharisees. And it is on this basis that Christians have on occasion decided to defy a law that has meant death, in favor of the deeper meaning and purpose of all law, which is life.

A clear example of this decision and what it implies is the Underground Railroad during the times of slavery—from which the present "underground railroad" for Central American refugees draws its name. At that time, slavery was legal, and to help a slave to escape was to break the law. On the other hand, to return a runaway slave meant to condemn him or her to either death or severe physical punishment. What should Christians do? As in many such cases, most chose to ignore the matter, feeling and showing some slight sympathy for one side or the other of the debate, but doing little or nothing



about it. Others realized that what was at stake was of great importance. Among these, some insisted that Christians should always obey the law, and they bolstered their arguments with biblical texts that seemed to support slavery. Others took the opposite tack. Faced by a use of the law that meant death and torture for countless people, they decided to break that law in favor of the higher law of life and love—and they too could support their position with biblical arguments. For a time, the church was divided. But today there is no doubt that those who decided to break the unjust laws of slavery were on the right side of the issue, and that they did more for the preservation of true law and social order than did those who refused to break the law or those others who preferred not to get involved.

Similar lessons can be drawn from the more recent events in Nazi Germany, where to save a Jew was to break the law. And yet it is precisely those Christians who chose to break the law that today we honor as the best representatives of their faith in those trying times.

Whenever Christians have had to make such difficult decisions, they have been living in trying times. And those decisions become all the more difficult, and the times all the more trying, if we have a profound respect and even love for law.

John Calvin may provide us some useful insights into this situation. It is well known that he, who had earlier planned to be a lawyer, had profound respect for the law. Commenting on Psalm 82:1, "God sits in the assembly of God," he offers words of high regard for proper government and law: "civil order is termed 'the assembly of God'; for although the divine glory shines forth in every part of the world, yet when lawful government flourishes among men, it is reflected therefrom with pre-eminent lustre."

This is not to say, however, that everything that government does, or all that law orders, is necessarily just. On the contrary, commenting on the same Psalm, verse 3, Calvin declares that "a just and well-regulated government will be distinguished for maintaining the rights of the poor and afflicted."

For Calvin—as for those involved in the Underground Railroad of the nineteenth century, or those committed to the sanctuary movement—the question of the authority of civil

law was not a matter of idle speculation. He was a Frenchman who deeply loved his country as well as most of its traditions and its laws. And yet, he was a Frenchman in exile, for he refused to obey the king and other French authorities on matters that concerned his conscience. From exile, he still dedicated the Institutes, with profound respect, to that King Francis I some of whose laws he could not obey—to that king who would have sent him to prison and probably to the gallows had he ever been caught in France. He respected the law; yet he could not obey it. He loved his country; yet he could not live according to its laws.

It is with this background in mind that we realize the poignancy of Calvin's words with regard to Rahab—the woman in Jericho who hid and saved the Israelite spies:

Now, the questions which arise here are, first, was treachery to her country excusable? . . . We know that the love of our country, which is as it were our common mother, has been implanted in us by nature. When, therefore, Rahab knew that the object intended was the overthrow of the city in which she had been born and brought up, it seems a detestable act of inhumanity to give her aid and counsel to the spies. . . .

It is not wonderful then, that when the Lord condescended to transfer a foreign female to his people and to ingraft her into the body of the Church, he separated her from a profane and accursed nation. Therefore, although she had been bound to her countrymen up to that very day, yet when she had been adopted into the body of the Church, her new condition was a kind of manumission from the common law by which citizens are bound toward each other. In short, in order to pass by faith to a new people, she behoved to renounce her countrymen.

This may seem a rather harsh thing to say. And yet, it is thoroughly biblical. The Apostle Paul, who could boast of being a Roman citizen, also declared that our citizenship is in heaven. And, when forced to choose between those two loyalties, he also knew what the choice must be.

To be Christians means that we can have but one ultimate loyalty. By virtue of our baptism, our earthly citizenship, while still important, has been placed so to speak between the parentheses of our heavenly citizenship. We must still love our country and obey its laws, just as Ethiopians, Italians, and



Guatemalans must love and obey theirs. But when we find that our national laws—or, in this particular case, their interpretation and application—would prevent us from obeying the divine law, there must be no question where our final allegiance lies.

At this point the obvious question is, what is there in the scriptural tradition that would lead us to actions such as those taken by the participants in the sanctuary movement?

One of the common threads that runs throughout the entire biblical material is the call to defend those whom no one defends—most particularly, the widow, the orphan, and the alien.

The theme of the alien (**ger**) is common throughout the Old Testament. It is applied first of all, not to the alien in Israel, but to the Israelites themselves as alien. Moses called his son Gershom because he had been a sojourner in the foreign land of Midian (Exodus 2:22 and 18:3). And after that, throughout the Old Testament, Israel is reminded that she was an alien in the land of Egypt, and on the basis of that she is told how she is to behave toward the alien in her midst.

Following are just a few of the pertinent texts. They are quoted just as they are translated in the R.S. V. But it is important to note that in these texts the "sojourner" does not mean simply someone who is passing by, but rather the alien who lives in the midst of Israel.

Exodus 22:21: "You shall not wrong a stranger or oppress him, for you were strangers in the land of Egypt."

Exodus 23:9: "You shall not oppress a stranger; you know the heart of the stranger, for you were strangers in the land of Egypt."

Leviticus 19:33: "When a stranger sojourns with you in your land, you shall not do him wrong. The stranger who sojourns with you shall be as the native among you, and you shall love him as yourself; for you were strangers in the land of Egypt."

Deuteronomy 10:18-19: "He executes justice for the fatherless and the widow and loves the sojourner, giving him food and clothing. Love the sojourner therefore; for you were sojourners in the land of Egypt."

Deuteronomy 24:17-18: "You shall not pervert the justice due to the sojourner or to the fatherless, or take a widow's garment in pledge; but you shall remember that you were a

slave in the land of Egypt and the Lord your God redeemed you from there."

Deuteronomy 27:19: "Cursed he who perverts the justice due to the sojourner . . ."

Psalms 146:9: "The Lord watches over the sojourners, . . . but the way of the wicked he brings to ruin."

Jeremiah 7:6: "If you do not oppress the alien, . . . then I will let you dwell in this place, in the land . . ."

Malachi 3:5: "Then I will draw near to you for judgment; I will be a swift witness against . . . those who thrust aside the sojourner, and do not fear me, says the Lord."

As we look at all these texts—and dozens of others—it is clear that God grants a particular protection to the alien, and that to offend the alien is to offend God. It is also clear that the reason why Israel is to do this is the memory of the time when she herself was an alien in the land of Egypt. Other texts add to this the realization that, even in the land that she claims for herself, Israel is an alien who lives on the land by the mercy of God (Leviticus 25:23: "The land shall not be sold in perpetuity; for you are strangers and sojourners with me"). The memory of her own oppression and liberation is to be the guiding principle of Israel as she deals with those who are now oppressed.

It is also important to note that the law of Israel generally applies also to the alien, both in its duties and in the protection it affords. Although we seldom notice it, many of the laws of the Pentateuch clearly state that the alien is to be included in them. See, for instance, Exodus 12:19, 45, 48-49, and Numbers 9:14.

In the New Testament, the question of the alien is also paramount. Here, the theme of having been strangers gains an added dimension for those of us, who, coming out of Gentile backgrounds, have now been added to the promises made to Abraham, Sarah, and their descendants. Thus we read in Ephesians 2:19: "So then you are no longer strangers and sojourners, but fellow citizens with the saints and members of the household of God." And, as in the Old Testament, believers are told once again that in a sense they are still aliens and exiles (1 Peter 2:11).



Finally, we must remember that the fundamental reason why we are involved in the sanctuary movement is that the God whom we worship has become one of us in Jesus. In the New Testament we are told that Jesus became an alien in the land of Egypt, just as his ancestors had been. And, when he returned to his homeland, he still could not live in his district, out of what the law today would call "a well-founded fear of persecution" (Matthew 2:22-23). That Jesus was an alien and a refugee gives added poignancy to the well-known text: "I was an alien and you welcomed me" (Matthew 25:35).

But the story of the reasons for his exile is also informative. Indeed, as we read again the second chapter of Matthew it is clear that Jesus had to go into exile due to the unwariness of the "wise" men. It is they who, by asking politically naive questions, arouse the fear of Herod, and thereby cause the flight to Egypt and the slaughter of the innocents. All of this should serve us as a warning, that a religiosity, no matter how sincere or how orthodox, that spends all its time gazing at the stars, and does not take into account the political realities of tyrants and oppressions, may well result, quite unwittingly, in the slaughter of many innocents.

## **Resumen**

*En el presente ensayo se estudia el tema del "santuario", o el asilo que algunas iglesias les prestan a refugiados centroamericanos, aun contra la voluntad del gobierno. Se ofrecen bases para el "movimiento de santuario", tanto en la historia como en las leyes norteamericanas e internacionales, y en la Biblia. El autor basa sus argumentos en la necesidad de asegurarnos de que no le prestamos obediencia absoluta sino a Dios. Aunque el Estado y sus leyes son normalmente buenos, y son don de Dios, cuando se oponen a la voluntad divina los creyentes nos vemos obligados a obedecer a Dios, y no al Estado.*

